

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No: 20-cv-05640-YGR

Case Name: Epic Games v. Apple Inc.

**EVIDENTIARY HEARING EXHIBIT and WITNESS LIST**

<b>JUDGE:</b>	<b>PLAINTIFF ATTORNEY:</b>	<b>DEFENSE ATTORNEY:</b>
Yvonne Gonzalez Rogers	Gary Bornstein, Yonatan Even, Lauren Moskowitz, and Michael Zaken	Mark Perry, Rich Doren, Jason Lo, Tony Bedel, Dana Craig, and Jacqueline Sesia
<b>HEARING DATE:</b>	<b>REPORTER:</b>	<b>CLERK:</b>
May 31, 2024	Raynee Mercado	Edwin Cuenco
<b>TIME IN COURT:</b>		
3 hours 51 minutes		

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	BY
		9:00 am			Court is convened. Plaintiff informs the Court of document production issues. The Court orders the production of all Apple's documents relative to the decision-making process leading to the link entitlement program and associated commission rates. The parties are ordered to meet and confer regarding a document production timetable.	
		9:20 am			The Court takes a break.	
		10:02 am			The Court is back in session. Parties will continue to meet and confer regarding a document production timetable. The Court will hear an update from the parties at a Status Conference on Tuesday, June 4, 2024, at 4:00 p.m. via Zoom.	
		10:16 am			The Judge exits the courtroom.	
		10:17 am			The Court is back in session.	
		10:19 am			Mr. Perry raised the issue on the admonishment of witnesses. The Court orders witnesses may not discuss the decision-making process leading to the link entitlement program and associated commission rates. The Court's concern is historic. If Apple has concerns regarding the applicability of this ruling, it may contact the court.	
		10:21 am			Witness Mr. Benjamin Simon is called and sworn. Direct examination by Mr. Bornstein.	
CDX1.3					Demonstrative: App screen shots.	
CDX1.8					Down Dog log in screen.	
		11:02 am			Cross examination by Mr. Lo.	
CX0003			x	x	Previously admitted. Apple support page.	

Case No: 20-cv-05640-YGR

Case Name: Epic Games v. Apple Inc. Date: May 31, 2024Courtroom Deputy: Edwin Cuenco - Court Reporter: Raynee Mercado**EXHIBIT and WITNESS LIST CONTINUED**

<b>PLF NO.</b>	<b>DEF NO.</b>	<b>DATE/TIME OFFERED</b>	<b>ID</b>	<b>REC</b>	<b>DESCRIPTION</b>	<b>BY</b>
		11:54 am			The Court takes a break.	
		1:56 pm			The Court is back in session. Continued cross examination by Mr. Lo.	
CDX1.2					Demonstrative. Frequently Asked Questions from Down Dog.	
		2:20 pm			Redirect examination by Mr. Bornstein.	
		2:32 pm			Witness Mr. Benjamin Simon is excused.	
		2:33 pm			Witness Mr. Alex Shobin is called and sworn. Direct examination by Ms. Moskowitz.	
CX0013			x	x	Previously admitted. App Review Guidelines.	
CX0003			x	x	Previously admitted. Apple Support Page.	
		3:01 pm			Cross examination by Mr. Lo.	
CX0003			x	x	Previously admitted. Apple Support Page.	
					Demonstrative. Epic's Motion to Enforce Injunction dated March 13, 2024.	
					Demonstrative. Linked-To Content.	
					Demonstrative. Fortnite Room Simulator.	
					Demonstrative. Fortnite Island Creator Rules.	
					Demonstrative. Connect and Save (Epic Game Store Promotion).	
		4:08 pm			Redirect examination by Ms. Moskowitz.	
		4:15 pm			Witness Mr. Alex Shobin is excused.	
		4:16 pm			Court is adjourned. Case is continued on June 4, 2024, at 4:00 pm for Status Conference via Zoom.	